

ATTORNEY DOCKET NO.
073897.0151

PATENT APPLICATION

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TRANSMITTAL FOR U.S. PATENT APPLICATION
UNDER 37 CFR §1.53(b)

Mail Stop: Patent Application
Commissioner For Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Express Mail Receipt No.
EV 324649283 US

Sir:

Transmitted herewith for filing is the original patent application of:

Inventor: Daniel R. Swanson Sr.

Filing Date: February 6, 2004

For: *System and Method of Using RFID Devices to Analyze Customer Traffic
Patterns in Order to Improve a Merchant's Layout*

Enclosed are:

1. 24 pages of Specification, Claims and Abstract;
2. 3 pages of Executed Declaration and Power of Attorney;
3. 3 pages of Formal Drawings;
4. 2 pages of an Assignment of the invention to Capital One Financial Corporation;
5. 1-page Separate cover sheet in compliance with 37 C.F.R. § 3.28 and § 3.31 is included with an Assignment recordal fee of \$40.00 pursuant to 37 C.F.R. § 1.21(h);
6. 1 page Non-Publication Request;
7. 13 pages of Petition to Make Special and \$130.00 check;
8. 1 page Information Disclosure Statement and (1 page) PTO 1449 form;
9. This Transmittal Form (2 pages) with attached patent application filing fee in the amount of \$856.00;
10. Baker Botts return acknowledgment postcard (1 postcard).

Applicant is a large entity.

The accompanying application is:

☒ Original
☐ Continuation ☐ Divisional ☐ Continuation-In-Part

FEE CALCULATION					FEE
	Number		Number Extra	Rate	Basic Fee \$770.00
Total Claims	20	- 20	0	X \$18 =	\$ 00.00
Independent Claims	4	- 3	1	X \$86 =	\$ 86.00
TOTAL FILING FEE =					\$ 856.00

Enclosed is a check in the amount of \$856.00 for the filing fee. Please charge any additional fees or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for Applicant



Jay B. Johnson
Reg. No. 38,193

Date: February 6, 2004

Correspondence Address:

Baker Botts L.L.P.
2001 Ross Avenue, Suite 600
Dallas, Texas 75201-2980
Tel. 214.953.6431

Customer Number: 05073

NON-PUBLICATION REQUEST UNDER 35 U.S.C. 122(b)(2)(B)(i)	First Named Inventor		Daniel R. Swanson Sr.
	Title	<i>System and Method of Using RFID Devices to Analyze Customer Traffic Patters in Order to Improve a Merchant's Layout</i>	
	Attorney's Docket Number		073897.0151

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

February 6, 2004

Date


Signature

Jay B. Johnson

Reg. No. 38,193

This request must be signed in compliance with 37 C.F.R. 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this non-publication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant must notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Daniel R. Swanson Sr.
Date Filed: February 6, 2004
For: *System and Method of Using RFID Devices to Analyze
Customer Traffic Patterns in Order to Improve a Merchant's
Layout*

MAIL STOP: PATENT APPLICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

CERTIFICATE OF MAILING BY EXPRESS MAIL

I hereby certify that the attached Patent Application (24 pages, including Specification, Claims, and Abstract), 3 sheets of formal Drawings, executed Declaration and Power of Attorney (3 pages), Assignment (2 pages), Assignment Recordation Sheet (1 page), a check in the amount of \$40.00 for the Assignment recordal, Non-Publication Request, Petition to Make Special, with \$130.00 petition fee check, Information Disclosure Statement and PTO-1449 form, Application Transmittal (2 pages), a check in the amount of \$856.00 for the application filing fees, this Certificate of Mailing, and a Baker Botts LLP acknowledgment postcard (1 card) are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on this 6th day of February, 2004 and is addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.



Willie Jiles

Express Mail Receipt
No. EV 324649283 US
Attorney Docket No. 073897.0151